

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Rupert Bevan and Michael John Smith

Serial No.: 10/597,440

Group Art Unit: 1796

Confirmation No.: 1015

Filed: April 12, 2007
Ogden, Jr.

Examiner: Necholus

For: *MEDICINAL SOAP*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration under 37 C.F.R. § 1.132

Sir:

I the undersigned, Rupert Bevan, do hereby declare and state that:

1. I have a B.Sc., (Bath Spa University 1994) M.Phil. (Bath Spa University 2000), Dip.Hort.(Persnore College of Horticulture 1977), PGCE (Bath Spa University 1995) I have extensive experience in cosmetic industry including soap products, and products for treating skin. A copy of my curriculum vitae is attached.
2. I have read the Office Action mailed on March 18, 2010, in which claims 1-9 were rejected as obvious over RU 2180213 or RU 2185814, in view of O'Grady et al. (20050112084). I have also read the cited references. I understand that to establish obviousness, the combination of the references must disclose or suggest, explicitly or


inherently, all of the elements of the claims. I further understand that an obviousness rejection can be overcome by secondary indicia including unexpected results.

3. RU 2180213, RU 2185814, and O'Grady et al. do not teach or suggest to one of ordinary skill in the art all of the elements of the claimed subject matter. For example, the combination of references does not teach or suggest a solid soap comprising dried sapropel and glycerine. Therefore, it is my opinion that the claimed soap is non-obvious over the cited art.

4. Additionally, most commercial manufacturers remove glycerine from soap. By removing glycerine from soap, purer soap can be processed by machinery (e.g., plodder, extruder, stamper, etc) and this facilitates mass production. The disadvantage of mechanised production is that the end product is inherently hydrophilic. For people with dry skin the use of soap where glycerine is removed is restricted to less sensitive areas of the body, since moisture loss to the soap results in soreness. Thus, the industry teaches away from the soaps with glycerine.

5. The soap as currently claimed contains dried sapropel and glycerine in combination. It was surprisingly discovered that dry sapropel is strongly electronegative. In this state, sapropel readily combines with airborne impurities such as nickel. When used on troubled skin, the sapropel chelates heavy metal ions which would otherwise interfere with the immune cells associated with eczema and psoriasis. Thus, use of dry sapropel in combination with glycerine in a soap gave a surprisingly effective soap with which to treat skin conditions.

6. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Rupert Bevan, B.Sc., M.Phil., Dip.Hort., PGCE. Date 01 July 2010

Curriculum Vitae

Rupert Stephen Jude Bevan

An environmental scientist with a wide range of experience in biologically based industrial products, soil science, horticulture and education.

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D.O.B. 05.01.1955

Recent experience:

2008 onwards: Scientific Consultant; SaponAqua International Ltd, a company specialising in the marketing of therapeutic soaps and skin creams

2006 onwards: Technical Director: Biosulis Ltd. With a colleague I set up and developed a self sustaining commercial unit for the production of biodiesel from the transesterification of waste vegetable oils.

2002 onwards: Chief Scientist: Zander Corporation Ltd. I developed the industrial application of the properties of 'Zander' organic lacustrine sediment. The five principle areas of development have been:

- Establishment of forestry, food crops and ornamental plants in arid and desertified soils;
- Restoration of humus depleted soils in preparation for the organic cultivation of crops such as oil crops, bananas and pineapples. I am personally supervising ZCL's operation in the Philippines and Nigeria.
- The development of remedial systems for the cleaning of waste water contaminated by heavy metals and toxic organic residues.
- The development of a microbiotic process for the digestion of crude oil residues in plant growth substrata
- The development of a range of cosmetic and skin care products from a lateral application of Zander derivatives.

Previous experience

1978 – 1991 Managing Director: Rupert Bevan Landscape Design and Garden Construction. The business concentrated on the design and construction of gardens and amenities both in the public and private sectors. I have a comprehensive knowledge plants together with the identification and treatment of a wide range of plant pests and diseases.

Academic experience

2000 Publication of M.Phil thesis: *The Use of Lacustrine Sediments in the Capture of Heavy Metals from Aqueous Solutions of their Salts and the Regulation of Water in the Cultivation of Plants in Arid and Desertified Soils*. University of the West of England.

2001-2004 Norton Radstock College. Lecturer in Horticulture and Biological Sciences.

1995 Bath Spa University. Post Graduate Certificate in Education (Secondary)

1991-4 Bath Spa University. BSc Environmental Biology. Class II Division I.

1975 – 1977 Pershore College of Horticulture. Diploma in Horticulture.

1968 -1973 Downside School, Stratton on the Fosse, Bath.

Other interests. I am an accomplished organist, singer and music director and sing as a Tenor soloist in local oratorio productions. I am Musical Director of St John's Church in Bath and of Bradford on Avon Choral Society.